IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4809 OF 2005

Sharnappa Revappa Koli & Anr. : Petitioners

(Orig. Opponents)

V/s.

Yashoda Shivanand Patil (Waghmode) & Ors.: Respondents

(Orig. Applicants)

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Mr.V.V.Pai for the petitioners.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

July 22, 2005.

P.C.:

1. The petitioners are the Driver and the owner of a tempo bearing registration no.KA-28/1283 which, according to the learned Member of the Motor Accident Claims Tribunal, was involved in the accident in question.

2. On 28.10.2003 deceased Shivanand met with an accident in which the tempo being driven by the petitioner no.1 and owned by the petitioner no.2 was being driven at a high speed. He succumbed to the injuries in the hospital on 30.10.2003. After perusal of the record, the learned

trial Court has granted Rs.50,000/- compensation under section 140 of the Motor Vehicles Act.

3. The learned counsel for the petitioners strongly urged that there is no definite evidence that the deceased died due to any negligence on the part of the petitioner no.1. That is a matter to be decided at the trial. At this stage, the Motor Accident Claims Tribunal has decided on the basis of the record perused by it. I see no infirmity, jurisdictional or otherwise in the impugned order. No interference is called for. The petitioners may, however, pay the amount of Rs.50,000/- in two instalments, the first instalment shall be paid within a period of five days from today and the second instalment within 15 days thereafter. The learned Motor Accident Claims Tribunal is requested to dispose of the claim, as expeditiously as possible.

4. The Writ Petition is dismissed.

S.A. BOBDE, J.